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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,256	04/22/2004	Yoichi Saji	26E-008	7245
23400 7590 03/17/2008 POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			EXAMINER HUSON, MONICA ANNE	
			ART UNIT 1791	PAPER NUMBER
			MAIL DATE 03/17/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/829,256

Applicant(s)

SAJI ET AL.

Examiner

Monica A. Huson

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,6,9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,6,9 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to the Amendment filed 26 December 2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aritake, in view of the admitted prior art, further in view of Lavallee et al. (U.S. Patent 5,122,046).

Regarding Claim 2, Aritake shows that it is known to carry out a method for producing a door glass run which includes an extruded straight part and a molded part provide at an end of the extruded straight part, each having a generally U-shaped cross section (Abstract; Figure 3, element 23, 24; Column 1, lines 24-37), comprising the steps of providing sprues in a mold at positions adapted to mold a bottom part of the door glass run (Figure 3; Column 1, lines 24-37); injecting a molding material into an upper part of said mold cavity from positions adapted to mold an inside part of the door glass run with a first sprue gate (Figure 3, element 26; Column 3, lines 16-34; Column 5, lines 40-62); injecting a molding material into a lower part of the mold cavity from positions adapted to mold the bottom part and another side part of the door glass run through said protrusions provided in said mold with a second sprue gate (Figure 3, element 25; Column 3, lines 16-34; Column 5, lines 40-62), and opening said mold such that the molding material is cut at joints between the first and second sprue gates of the mold cavity (Column 5, lines 47-62; In order for the molded article to be ejected from the mold, the connection between the sprue gates and the article must be severed.). Aritake does not show the claimed mold configuration. However, applicant has admitted in Figure 3 (labeled "Prior Art") that it is known to have a mold configuration wherein the mold is composed of at least an upper mold and a lower mold to define a mold cavity upon the closing of the upper and lower mold, the mold including a first plurality of sprue gates and a second plurality of sprue gates, each extending from the upper mold (Instant Application: Figure 3, Page 2, lines 8-14). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention

was made to use the conventional mold configuration during Aritake's molding process in order to take advantage of basic mold technology known to be useful for molding weather stripping. Regarding claim limitations not specifically mentioned here, the claimed elements are not seen to cause specific effects on the stepwise method of the independent claim (e.g. providing a mold, injecting material, opening the mold). To be entitled to weight in method claims, recited structural limitations must affect the method in a manipulative sense and not amount to mere claiming of a use of a particular structure. *Ex parte Pfeiffer* 135 USPQ 31. It is not evident that the claimed structural limitations materially affect the method steps, and therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to make modifications of a particular mold in order to accommodate particular article configurations. Aritake does not show protrusions in the mold, such that the protrusions form a plurality of depressions in the molded article, wherein the plurality of sprue gates extend through the protrusions and the end of the sprue gates are located in the protrusions. Lavallee et al., hereafter "Lavallee," show that it is known to carry out a method wherein protrusions form a plurality of depressions in the molded article, wherein the plurality of sprue gates extend through the protrusions and the end of the sprue gates are located in the protrusions (Column 1, lines 50-55; tunnel gate=protrusion, runner=sprue). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Lavallee's protrusions and sprues during Aritake's molding process in order to substantially eliminate flash line(s) on the molded article (See Lavallee, Column 1, lines 55-60).

Regarding Claim 6, Aritake shows the process as claimed as discussed above in the rejection of claim 2 above, including a method wherein the molding material is injected into the lower part of the mold cavity with said second sprue gates by way of short tab gates provided in said mold (Figure 3, element 26), meeting applicant's claim.

Regarding Claim 9, Aritake shows the process as claimed as discussed above in the rejection of claim 2 above, but he does not show the specific mold configuration. However, the claimed elements are not seen to cause specific effects on the stepwise method of the independent claim. To be entitled to weight in method claims, recited structural limitations must affect the method in a manipulative sense and not amount to mere claiming of a use of a particular structure. *Ex parte Pfeiffer* 135 USPQ 31. It is not evident that the claimed structural limitations materially affect the method steps, and therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to make modifications of a particular mold in order to accommodate particular circumstances which warrant alterations. Aritake does not show protrusions in the mold, such that the protrusions form a plurality of depressions in the molded article, wherein the plurality of sprue

gates extend through the protrusions and the end of the sprue gates are located in the protrusions. Lavalée shows that it is known to carry out a method wherein protrusions form a plurality of depressions in the molded article, wherein the plurality of sprue gates extend through the protrusions and the end of the sprue gates are located in the protrusions (Column 1, lines 50-55; tunnel gate=sprue, runner=sprue). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Lavalée's protrusions and sprues during Aritake's molding process in order to substantially eliminate flash line(s) on the molded article (See Lavalée, Column 1, lines 55-60).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aritake and the admitted prior art, further in view of Waid. Aritake shows the process as claimed as discussed in the rejection of Claim 9 above, but he does not show a particular cutting location or protrusions in the mold, such that the protrusions form a plurality of depressions in the molded article, wherein the plurality of sprue gates extend through the protrusions and the end of the sprue gates are located in the protrusions. Lavalée shows that it is known to carry out a method wherein protrusions form a plurality of depressions in the molded article, wherein the plurality of sprue gates extend through the protrusions and the end of the sprue gates are located in the protrusions (Column 1, lines 50-55; tunnel gate=sprue, runner=sprue). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Lavalée's protrusions and sprues during Aritake's molding process in order to substantially eliminate flash line(s) on the molded article (See Lavalée, Column 1, lines 55-60). Waid shows that it is known to carry out a molding method wherein in said step of opening the upper mold, the molding material is cut at joints between lower ends of sprue gates, which are located in protrusions of said mold and said mold cavity, whereby no projection is exposed from the molded part (Column 8, lines 44-67; Column 9, lines 1-3). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Waid's process which insures sprue removal during Aritake's molding process in order to avoid post-treatment to remove the sprue tab (See Waid, Column 2, lines 26-35).

Response to Arguments

Applicant's arguments with respect to claims 2, 6, 9, and 11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A. Huson whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica A Huson
Primary Examiner
Art Unit 1791

/Monica A Huson/
Primary Examiner, Art Unit 1791